

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division

STEVES AND SONS, INC.,

Plaintiff,

V.

JELD-WEN, INC.,

Defendant.

Civil Action No. 3:20-CV-00098-REP

**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION
FOR PRELIMINARY INJUNCTION**

This matter is before the Court on Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction. On February 14, 2020, plaintiff Steves and Sons, Inc. (“Steves”) filed a Complaint in the above-captioned case to obtain damages and equitable relief against defendant JELD-WEN, Inc. (“JELD-WEN”) for antitrust violations under Sections 4, 7, and 16 of the Clayton Act, tortious interference with business relations, and breach of contract. This Court has the authority under Federal Rule of Civil Procedure 65 to issue a preliminary injunction to preserve the status quo pending trial in this matter.

Having considered the briefing of the parties, evidence submitted by the parties, and the arguments of counsel, the Court concludes that a preliminary injunction is warranted and necessary to prevent irreparable harm. Steves has satisfied its burden to establish (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if relief is denied, (3) a favorable balance of the equities, and (4) that the injunction serves the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Motion therefore is **GRANTED**.

The Court, having carefully considered the evidence on the proper scope of injunctive relief, concludes the following interim measures are necessary pending final resolution of the civil action:

1. JELD-WEN shall:
 - a. terminate allocation, effective retroactively to January 1, 2020.
 - b. terminate the ordering, confirmation and delivery process instituted by JELD-WEN as part of its implementation of allocation;
 - c. revert to the ordering, confirmation, and delivery process previously practiced by the parties, including JELD-WEN's delivery of doorskins within 30 days of receipt of Steves' purchase orders, effective retroactively to November 25, 2019; and
 - d. deliver to Steves all doorskins that Steves ordered from JELD-WEN between November 25, 2019 and the date of this Order ("Undelivered Prior-Placed Orders") in the following manner:
 - i. beginning the week of March 9, 2020, deliver to Steves 262,400 doorskins per week from the Undelivered Prior-Placed Orders, until all such Undelivered Prior-Placed Orders have been filled, and *in addition to* Steves' regularly-placed weekly orders submitted to JELD-WEN after the date of this Order; and
 - ii. deliver doorskins from the Undelivered Prior-Placed Orders in the order in which Steves issued the purchase orders to JELD-WEN.
2. Alternatively:

JELD-WEN shall:

 - a. *supply Steves with 27.29% of its North American production of molded doorskins, or approximately 50 million doorskins, during allocation, effective retroactively to January 1, 2020;*
 - b. *refrain from restricting Steves' purchases by molded doorskin design and size;*
 - c. *revert to the ordering, confirmation, and delivery process previously practiced by the parties, including JELD-WEN's delivery of doorskins within 30 days of receipt of Steves' purchase orders, effective retroactively to November 25, 2019; and*
 - d. *deliver to Steves all doorskins that Steves ordered from JELD-WEN between November 25, 2019 and the date of this Order ("Undelivered Prior-Placed Orders") in the following manner:*

- i. *beginning the week of March 9, 2020, deliver to Steves 262,400 doorskins per week from the Undelivered Prior-Placed Orders, until all such Undelivered Prior-Placed Orders have been filled, and **in addition to** Steves' regularly-placed weekly orders submitted to JELD-WEN after the date of this Order; and*
 - ii. *deliver doorskins from the Undelivered Prior-Placed Orders in the order in which Steves issued the purchase orders to JELD-WEN.*
- e. *Provide to Steves bi-weekly reports setting forth, for the previous two weeks, JELD-WEN's production of molded doorskins, and the number of doorskins ordered by and shipped to JELD-WEN's contracted molded doorskins customers and JELD-WEN's North American door manufacturing operations.]*

SO ORDERED.

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: March ___, 2020